

REMARKS/ARGUMENTS

Claim 15 has been amended. No Claims have been cancelled without prejudice. No Claims have been added.

35 U.S.C. § 102(e) Rejections

Examiner rejected claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication 2002/0097750 (hereinafter "Gunaseelan"). The Applicants respectfully disagree, and submit the following in defense of their position.

Gunaseelan, as understood by the Applicants, is directed to a server configured to multiplex and deliver multiple variable bit rate media streams to clients, where the various streams have different data formats. One problem that arises when multiplexing two or more variable bit rate streams is packet collision, referred to in Gunaseelan as "conflicting packet time stamps." Paragraph 37 of Gunaseelan, cited by the Examiner, describes the problem. The solution, offered in paragraph 38, is adjusting the time stamp of one packet so that the conflict is resolved. This is necessary, since the server in Gunaseelan can only send one packet at a time.

The present application describes a different problem. The problem arises when a server (or cache) provides a live media stream to multiple clients. Since the traffic increases with each new client, the spike in traffic can overwhelm downstream devices. To solution to this problem involves smoothing out the traffic by delaying several versions of the stream.

Since the problems addressed by Gunaseelan are different from those addressed in the present application, Gunaseelan necessarily does not teach at

least some elements of claim 1. For example, the problem in Gunaseelan only arises when two different streams are multiplexed and transmitted by a server. In contrast, the problem addressed in the present application arises when the same live media stream is delivered to multiple downstream clients over a network.

Accordingly, claim 1 requires that the first client system and the second client system request the same stream of media data. Claim 1 reads: "receiving a request from a first client system for a stream of media data, the stream of media data including a first streaming media data packet and a second streaming media data packet; and receiving a request from a second client system for *the stream of media data*." (emphasis added) Subsequent elements of the claim 1 operate on packets from the same live media stream.

In contrast, packet time stamp modification is only needed in Gunaseelan when two or more different streams were being multiplexed. Thus, Gunaseelan does not teach or suggest the requirements of claim 1 listed above, since Gunaseelan does not teach or suggest adjusting packets from the same stream of media data. Therefore, independent claim 1 is allowable. Dependent claims 2-8 that add further limitations are thus also allowable.

Similarly, claim 16 requires "delaying a packet delivery time *for the first packet* of data to be delivered to a first downstream client system; and delaying the packet delivery time *for the first packet of data* to be delivered to a second downstream client system." (emphasis added) In contrast to the problem addressed in Gunaseelan, claim 16 requires that *the same packet* from the same stream be delayed by different times in order to smooth out the traffic. Therefore claim 16 is also allowable over Gunaseelan. Thus, claim 16 and claims 17-20 dependent on claim 16 are also allowable.

Furthermore, independent claims 9 includes limitations similar to claim 1 above. Therefore, claim 9 and claims 10-15 dependent on claim 9 are also allowable.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Adam Furst at (408) 947-8200.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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